

**Enrolled Minutes of the Forty-Ninth Regular or Special Meeting  
For the Twenty-Seventh Highland Town Council  
Regular Meeting  
Monday, November 25, 2013**

*Study Session.* The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, November 25, 2013 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Konnie Kuiper were present. Councilor Brian Novak tendered a resignation from the Town Council to the proper officer, effective November 4, leaving the Ward 4 seat was vacant. (*A caucus is scheduled for November 26, 2013 in order to select an appointment pro tempore.*) The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The discussion included consideration of the status of the Chela's demolition.
3. The Town Council discussed the holiday parade on Saturday, November 30, 2013 and the arrangements for candy to distribute.

The study session ended at 7:03 O'clock p.m.

*Regular meeting.* The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, November 25, 2013 at 7:05 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Bernie Zemen, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Dan Vassar reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Konnie Kuiper. Councilor Brian Novak tendered a resignation from the Town Council to the proper officer, effective November 4, leaving the Ward 4 seat was vacant. (*A caucus is scheduled for November 26, 2013 in order to select an appointment pro tempore.*)

The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Attorney; John Bach, Public Works Director; Peter T. Hojnicki, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, Jr., CFOD; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

**Also Present:** Jared Tauber, Esq., Tauber Law Offices; Ed Dabrowski, IT (Contract) Consultant; Randy Bowman, Assistant Inspector for Electric; Dennis Adams, member of the Town Board of Metropolitan Police Commissioners; and Greg Kuzmar, member of the Redevelopment Commission were also present.

### Minutes of the Previous Meetings:

The minutes of the regular meeting of *November 11, 2013* were approved under general consent.

### Appointments:

#### • Statutory Boards and Commissions

##### *Legislative Appointments*

1. One of three to legislative appointments to the Municipal Plan Commission. (*Fill vacancy rendered by the resignation of Greg Cieslak effective November 2, 2013. Position must be filled by either an elected or an appointed official of the municipality or an employee of the municipality.*)

Councilor Herak moved to appoint Council President Zemen as a legislative appointment to the Municipal Plan Commission. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Councilor Zemen was appointed.

#### Home Rule Commissions

2. **Main Street Bureau Board:** (10 of 17) appointments to be made by the Town Council. Term: two years ending 1 Jan 2015. (*Note: 10 vacancies.*) **2 applications to consider**

Councilor Kuiper moved the appointment of Mr. *Sean Kingston*, 2708 Wicker Avenue, and Ms. *Carole Kutcka*, 3502-42<sup>nd</sup> Street, to serve on the Board of the Main Street Bureau. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Mr. Kingston and Ms. Kutcka were appointed to the Board of the Main Street Bureau.

### Unfinished Business and General Orders:

1. **Introduced Ordinance No. 1546:** An Ordinance Of The Town Of Highland Authorizing The Issuance And Sale Of Notes Of The Town For The Purpose Of Providing Funds To Be Used In The Exercising Of The Powers Of The Town, Other Matters Connected Therewith, Together With The Incidental Expenses In Connection Therewith And On Account Of The Issuance Of Notes. *Councilor Herak introduced and filed the ordinance at the Town Council meeting of Monday, November 11, 2013. There was no further action.*

Councilor Herak moved the passage and adoption of Ordinance No. 1546. Councilor Kuiper seconded. Upon a roll call vote there were four affirmatives and no negatives. The motion passed. The ordinance was adopted.

#### TOWN OF HIGHLAND ORDINANCE NO. 1546

AN ORDINANCE OF THE TOWN OF HIGHLAND AUTHORIZING THE ISSUANCE AND SALE OF NOTES OF THE TOWN FOR THE PURPOSE OF PROVIDING FUNDS TO BE USED IN THE EXERCISING OF THE POWERS OF THE TOWN, OTHER MATTERS CONNECTED THEREWITH, TOGETHER WITH THE INCIDENTAL EXPENSES IN CONNECTION THEREWITH AND ON ACCOUNT OF THE ISSUANCE OF NOTES

WHEREAS, A town is authorized under IC 5-14 and IC 36-5-2-11 to make loans of money for not more than five (5) years and issue notes for the purpose of procuring money to be used in the exercise of the powers of the town;

**WHEREAS,** IC 36-5-2-11(d) further provides that the total amount of outstanding loans made pursuant to its terms may not exceed five percent of the town's total levy in the current year excluding amounts to pay debt service and lease rentals, that total levy being \$6,331,246 and that total loan limit being \$316,562;

**WHEREAS,** The Town Council ("Council") of the Town of Highland, Indiana ("Town") hereby determines to provide for the preliminary and necessary costs associated with construction and equipping of a public safety facility and the incidental expenses in connection therewith and on account of the issuance of the hereinafter defined Notes (the Project); and

**WHEREAS,** The Council has determined that the estimated cost, including incidental expenses incurred in connection with the Project and with the issuance of Notes to finance the Project, will be in an amount not to exceed \$300,000, for a term not to exceed five years; and

**WHEREAS,** The Council finds that it has no unassigned or uncommitted funds on hand or available to apply on the cost of the Project; and

**WHEREAS,** The Council has determined to undertake the Project; and

**WHEREAS,** It is necessary that the Notes be issued in an amount not to exceed \$300,000 to provide funds to pay such costs of the preliminary and necessary costs associated with construction and equipping of a public safety facility, the incidental expenses in connection therewith and with the issuance and sale of the Notes; and

**WHEREAS,** The Town will receive certain revenues in 2013 through 2018 for deposit in its Municipal Cumulative Capital Development Fund, for deposit to its Economic Development Income Tax Fund, and for deposit to its Public Safety LOIT Fund, all of which individually and severally the Town desires to pledge to the payment of the Notes ("Pledged Revenues"); and

**WHEREAS,** The total indebtedness of the Corporate Town, excluding the amount of the Notes, is \$4,154,103, assuming all such indebtedness constitutes debt under Article 13 of the Indiana Constitution and does not exceed this constitutional or any statutory limitations on indebtedness, and the net assessed valuation of taxable property in the Town, as shown by the last complete and final assessment for state and county taxes is \$1,024,265,514; and

**WHEREAS,** The Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of the Notes have been complied with in accordance with the provisions of the Act;

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND THAT:**

**Section 1. Authorization.** The Town shall proceed with the issuance of notes for the purposes as set forth in this ordinance. The cost of for the preliminary and necessary costs associated with construction and equipping of a public safety facility and the incidental expenses in connection therewith funded with proceeds of the Notes shall not exceed the sum of \$300,000 plus investment earnings on the Note proceeds, without further authorization from this Council. The Project shall be completed and the Notes herein authorized shall be issued pursuant to and in accordance with the Act.

**Section 2. Details of Notes. (A)** In order to procure funds with which to pay the preliminary and necessary costs associated with construction and equipping of a public safety facility and the incidental expenses in connection therewith, including the costs of issuance of the Notes on account of the Project and the funding of a debt service reserve, the Town shall issue its Notes in an amount not to exceed \$300,000 to be designated "General Revenue Notes of 2013", for the purpose of procuring funds to apply on the cost of for the preliminary and necessary costs associated with construction and equipping of a public safety facility and the incidental expenses in connection therewith and issuance costs ("Notes") in accordance with the Act.

(B) The Notes shall be sold at a price not less than the par value thereof, shall be issued in fully registered form in denominations of \$100 or integral multiples thereof, numbered consecutively from 1 upward, dated as of the date of delivery and shall bear interest at a rate or rates not exceeding five percent (5.0%) per annum (the exact rate or rates to be determined by bidding), which interest shall be payable semiannually on February 1 and August 1 of each year, beginning on February 1, 2014. Interest on the Notes shall be calculated according to a 360-day year containing twelve 30-day months. The Notes shall mature annually on February 1, commencing February 1, 2014, over a period ending no later than February 1, 2018 years and in such amounts as will produce as level annual debt service as possible, or level principal payments, taking into account the funds from which the Pledged Revenues are derived. All or a portion of the Notes are pre-payable by the Town, in whole or in part, at any time, upon *seven days'* notice to the owner of the Notes without any premium.

(C) The Clerk-Treasurer is hereby appointed to serve as Registrar and Paying Agent ("Registrar" or "Paying Agent") for the Notes unless a successor is appointed by the Town ("Registrar" or "Paying Agent"). The Town is hereby authorized to enter into such agreements or understandings with any successor Registrar and Paying Agent as will enable the Registrar and Paying Agent to perform the services required of a registrar and paying agent. The Town is authorized to pay from its funds such fees as any successor Registrar and Paying Agent may charge for the services it provides as Registrar and Paying Agent, and such fees may be paid from any funds available to the Town.

(D) The principal and interest of the Notes shall be payable by check or, upon written direction of the registered owner of the Notes, by wire transfer. All payments on the Notes shall be made in lawful money of the United States of America, which, on the date of such payment, shall be legal tender for the payment of public and private debts.

(E) Each Note shall be transferable or exchangeable only upon the books of the Town kept for that purpose at the office of the Registrar by the registered owner in person, or by its attorney duly authorized in writing, upon surrender of such Notes together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner, or its attorney duly authorized in writing, and thereupon a new, fully registered Note or Notes in authorized denominations and in the same aggregate principal amount shall be executed and delivered in the name of the transferee or transferees of the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the Town, except for any tax or governmental charge required to be paid with respect to the transfer or exchange, which taxes or governmental charges are payable by the person requesting such transfer or exchange.

(F) The Town and the Registrar and Paying Agent for the Notes may treat and consider the person in whose name such Notes are registered as the absolute owner for all purposes including for the purpose of receiving payment of, or on account of the principal and interest due.

(G) If any Note is mutilated, lost, stolen or destroyed, the Town shall execute and the Registrar shall authenticate a new Note or Notes of the same maturity and denomination as that mutilated, lost, stolen or destroyed; provided that in the case of any mutilated Note, such mutilated Note shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed Note, there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the Registrar, together with indemnity satisfactory to it. If any such Note shall have matured, instead of issuing and authenticating a duplicate Note, the Registrar may pay the same without surrender thereof; provided, however, that in the case of a lost, stolen or destroyed Note, there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the Registrar together with indemnity satisfactory to it. The Registrar may charge the owner of such Note with its reasonable fees and expenses in connection with replacing any Note mutilated, lost, stolen or destroyed. Any Notes issued pursuant to this section shall be deemed a contractual obligation of the Town replacing the obligation evidenced by such mutilated, lost, stolen or destroyed Notes.

(H) Whenever any outstanding Note shall be delivered to the Registrar for cancellation pursuant to this ordinance or upon payment of the principal amount or interest represented thereby or for replacement pursuant to Section), such Note shall be cancelled and destroyed by the Registrar and a counterpart of a certificate of destruction evidencing such destruction shall be furnished by the Registrar to the Town.

**Section 3. Execution and Authentication of Notes.** (A) The Notes shall be executed on behalf of the Town with either the manual or facsimile signatures of the Town Council President and attested by the manual or facsimile signature of the Clerk-Treasurer. Those officials, by the signing of the Signature and No Litigation Certificate and the Notes, respectively, shall adopt as and for their own proper signatures their facsimile signatures appearing on the Notes. If any officer of the Town whose signature or whose facsimile signature which appears on the Notes shall cease to be such officer before the delivery of such Notes, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. Any Notes may be executed and attested on behalf of the Town by such officer as at the time of the execution of such Notes shall be duly authorized or hold the proper office of the Towns although at the date borne by the Notes or at the date of delivery of the Notes such officer may not have been so authorized or have held such office.

(B) No Note shall be valid or become obligatory for any purpose or entitled to any security or benefit under this ordinance unless and until signed by the Town Council President and attested by the Clerk-Treasurer.

(C) Subject to the provisions of this ordinance for registration, the Notes shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana.

**Section 4. Pledge of Pledged Revenues.** The interest on and the principal of the Notes issued pursuant to the provisions of the ordinance are payable from and secured by an irrevocable pledge of the Pledged Revenues of the Town and any other legally available revenues of the Town. The Town hereby irrevocably pledges the Pledged Revenues, and any other legally available revenues of the Town, to the payment of the interest on and principal of the Notes, such pledge to be effective as set forth in IC 5-1-14-4 without recording or filing. The Town shall not be obligated to pay the Notes or the interest thereon except from the Pledged Revenues deposited in the *Municipal Cumulative Capital Development Fund ("MCCD Fund")*, the *Public Safety LOIT Fund*, or the *Economic Development Income Tax (EDIT) Fund* described in Section 8 of this ordinance, and the Notes shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the constitution of the State of Indiana.

**Section 5. Sale of Notes.** (A) Prior to the sale of the Notes, the Clerk-Treasurer shall cause to be published either (1) a notice of note sale in such sale in the *Post-Tribune* or the *Hammond Times* two times, at least one week apart, the first publication made at least fifteen (15) days before the date of the sale and the second publication being made at least three (3) days before the date of the sale, or (2) a notice of intent to sell in a newspaper published in the *Post-Tribune* or the *Hammond Times* and the *Court & Commercial Record*, once each week for two weeks all in accordance with IC 5-1-11 and IC 5-3-1. The notice shall also be posted at the Town Hall in accordance with IC 5-3-1. A notice or summary notice of sale may also be published one time in the *Court & Commercial Record* or *The Bond Buyer*, financial journals published in the City of Indianapolis and in the City and State of New York, respectively. The notice shall state purpose for which the Notes are being issued, the total amount of the Notes, the maximum rate of interest on the Notes, the terms and conditions upon which bids will be received and the sale made, and such other information as the Clerk-Treasurer and the attorneys employed by the Town shall deem advisable and any summary notice may contain any information deemed so advisable. The notice shall provide, among other things, that each bid shall be accompanied by a certified or cashier's check or a financial surety bond to guarantee performance on the part of the bidder. If a financial surety bond is used, it must be from an insurance company licensed to issue such bond in the State of Indiana, and such bond must be submitted to the Town prior to the opening of the bids. The financial surety bond must identify each bidder whose good faith deposit is guaranteed by such financial surety bond. If the Notes are awarded to a bidder utilizing a financial surety bond, then that purchaser is required to submit to the Town a certified or cashier's check (or wire transfer such amount as instructed by the Town) not later than 3:30 p.m. (Highland time) on the next business day following the award. In the event the successful bidder shall fail or refuse to accept delivery of the Notes and pay for the same as soon as the Notes are ready for delivery, or at the time fixed in the notice of sale, then the check and the proceeds thereof shall be the property of the Town and shall be considered as its liquidated damages on account of such default.

(B) All bids for the Notes shall be sealed and shall be presented to the Clerk-Treasurer at his office, and the Clerk-Treasurer shall continue to receive all bids offered until the hour and the day fixed in the notice, at which time and place she shall open and consider the bids. Bidders for the Notes will be required to name the rate or rates of interest which the Notes are to bear, not exceeding five percent (5%) or such lower maximum rate set forth in the notice, and such interest rate or rates shall be in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent (1%). The rate bid on a maturity shall be equal to or greater than the rate bid on the immediately preceding maturity. No conditional bid or bid for less than the par value of the Notes will be considered.

(C) The Notes shall be awarded by the Clerk-Treasurer to the highest responsible and qualified bidder who has submitted his bid in accordance with the terms of this ordinance, IC 5-1-11 and the notice of sale. The highest bidder will be the one who offers the lowest net interest cost to the Town, to be determined by computing the total interest on all of the Notes to their maturities and adding thereto the discount bid, if any, and deducting the premium bid, if any. The right to reject any and all bids shall be reserved. If an acceptable bid is not received on the date of sale, the sale may be continued from day to day thereafter without further advertisement for a period of thirty (30) days, during which time no bid which provides a higher net interest cost to the Town than the best bid received at the time of the advertised sale will be considered. No conditional bid or bid for less than all of the Notes will be considered. The opinion of Shanahan and Shanahan, LLP bond counsel of Chicago, Illinois, approving the legality of the Notes will be furnished to the purchaser at the expense of the Town.

**Section 6. Preparation of Notes.** The Clerk-Treasurer is hereby authorized and directed to have the Notes prepared, and the Town Council President and Clerk-Treasurer are hereby authorized and directed to execute the Notes in the form and manner provided in this ordinance.

**Section 7. Use of Proceeds and Costs of Issuance.** Any accrued interest and any premium received at the time of the delivery of the Notes shall be deposited in the hereinafter defined Revenue Fund and used to pay interest on the Notes. The remaining proceeds from the sale of the Notes shall be deposited in a bank or banks that are legally designated depositories for the funds of the Town, in a special account or accounts to be designated as "*Opus Operis Ante Fund*". All funds deposited to the credit of the Revenue Fund or the Project Fund shall be deposited, held, secured or invested in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including particularly IC 5-13, as amended and supplemented from time to time. The funds in the Project Fund shall be expended only for the purpose of paying the cost of the Project or as otherwise required by the Act or for the expenses of issuance of the Notes. The cost of obtaining the legal services of Shanahan and Shanahan, LLP, shall be considered as a part of the cost of the Project on account of which the Notes are issued. Any balance or balances remaining unexpended in such special account or accounts after completion of the Project, which are not required to meet unpaid obligations incurred in connection with such Project, shall either (1) be paid into the Revenue Fund and used solely for the purposes of the Revenue Fund or (2) be used for the same purpose or type of project for which the Notes were originally issued, all in accordance with IC 5-1-3, as amended from time to time.

**Section 8. MCCD, Public Safety LOIT and Economic Development Income Tax (EDIT) Funds.** Pledged Revenues in the MCCD, Public Safety LOIT and Economic Development Income Tax (EDIT) Funds shall be appropriated from time to time for the payment of the principal of and interest on all outstanding Notes, and the payment of any fiscal agency charges in connection with the payment of the Notes. The Town shall, from the sums deposited in the "*Opus Operis Ante Fund*", remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the interest and principal on the due dates thereof together with the amount of bank fiscal agency charges.

**Section 9. Tax Covenants.** In order to preserve the exclusion of interest on the Notes from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as existing on the date of issuance

of the Notes ("Code"), and as an inducement to purchasers of the Notes, the Town represents, covenants and agrees that:

(A) The supported project will be available for use by members of the general public. Use by a member of the general public means use by natural persons not engaged in a trade or business. No person or entity other than the Town or another state or local governmental unit will use more than 10% of the proceeds of the Notes or property financed by the Note proceeds other than as a member of the general public. No person or entity other than the Town or another state or local governmental unit will own property financed by Note proceeds or will have any actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, arrangements such as take-or-pay or output contracts or any other type of arrangement that conveys other special legal entitlements and differentiates that person's or entity's use of such property from use by the general public, unless such uses in the aggregate relate to no more than 10% of the proceeds of the Notes. If the Town enters into a management contract for the Projects, the terms of the contract will comply with IRS Revenue Procedure 97-13, as it may be amended, supplemented or superseded for time to time, so that the contract will not give rise to private business use under the Code and the Regulations, unless such use in aggregate relates to no more than 10% of the proceeds of the Notes.

(B) No more than 10% of the principal of or interest on the Notes is (under the terms of the Notes, this ordinance or any underlying arrangement), directly or indirectly, secured by an interest in property used or to be used for any private business use or payments in respect of any private business use or payments in respect of such property or to be derived from payments (whether or not to the Town) in respect of such property or borrowed money used or to be used for a private business use.

(C) No more than 5% of the Note proceeds will be loaned to any person or entity other than another state or local governmental unit. No more than 5% of the Note proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Note proceeds.

(D) The Town reasonably expects, as of the date hereof, that the Notes will not meet either the private business use test described in paragraph (A) and (B) above or the private loan test described in paragraph (C) above during the entire term of the Notes.

(E) No more than 5% of the proceeds of the Notes will be attributable to private business use as described in (A) and private security or payments described in (B) attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any government use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

(F) The Town will not take any action nor fail to take any action with respect to the Notes that would result in the loss of the exclusion from gross income for federal tax purposes on the Notes pursuant to Section 103 of the Code, nor will the Town act in any other manner, which would adversely affect such exclusion. The Town covenants and agrees not to enter into any contracts or arrangements, which would cause the Notes to be treated as private activity Notes under Section 141 of the Code.

(G) It shall be not an event of default under this ordinance if the interest on any Note is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Notes.

(H) These covenants are based solely on current law in effect and in existence on the date of delivery of such Notes.

(I) The Town represents that:

(1) The Notes are not private activity Notes as defined in Section 141 of the Code;

(2) The Town hereby designates the Notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code;

(3) The reasonably anticipated amount of qualified tax-exempt obligations (including qualified 501(c)(3) obligations and tax-exempt leases but excluding other private activity Notes) which will be issued by the Town, and all entities subordinate to the Town during 2013 does not exceed \$10,000,000; and

(4) The Town will not designate more than \$10,000,000 of qualified tax-exempt obligations during 2013.

Therefore, the Notes qualify for the exception in the Code from the disallowance of 100% of the deduction by financial institutions of interest expense allocable to newly acquired tax-exempt obligations.

(j) The Town represents that:

- (1) The Town is a governmental unit with general taxing powers, which powers include the power to impose taxes of general applicability that, when collected, may be used for the general purposes of the Town;
- (2) The Notes are not private activity Notes as defined in Section 141 of the Code;
- (3) At least 95% of the net proceeds of the Notes will be used for local governmental activities of the Town or of a governmental unit, the jurisdiction of which is entirely within the jurisdiction of the Town;
- (4) The aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the Town and all units subordinate to the Town, including on-behalf-of issuers and subordinate entities as those terms are defined in Regulations Section 1.148-8(c)(2), is not reasonably expected to exceed \$5,000,000 in calendar year 2013; and
- (5) The Town has not been formed or availed of to otherwise avoid the purposes of the \$5,000,000 size limitation.

Therefore, the Town meets the requirements of Section 148(f)(4)(D) of the Code and will not have to rebate any arbitrage profits to the United States.

**Section 10. Noncompliance with Tax Covenants.** Notwithstanding any other provisions of this ordinance, the covenants and authorizations contained in this ordinance ("Tax Sections") which are designed to preserve the exclusion of interest on the Notes from gross income under federal law ("Tax Exemption") need not be complied with if the Town receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

**Section 11. Debt Limit Not Exceeded.** The Town represents and covenants that the Notes herein authorized, when combined with other outstanding indebtedness of the Town, will not exceed any applicable constitutional or statutory limitation on the Town's indebtedness.

**Section 12. Severability.** If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

**Section 13. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

**Section 14. Headings.** The headings or titles of the several sections shall be solely for convenience of reference and shall not affect the meaning, construction or effect of this ordinance.

**Section 15. Amendments to Ordinance.** This ordinance may, from time to time hereafter, be amended without the consent of the owners of the Notes, if in the sole discretion of the Council, such amendment shall not adversely affect the rights of the owners of any of the Notes.

**Section 16. Effective Date.** This ordinance shall be in full force and effect immediately upon its passage and signing by the presiding officer as attested thereto by the clerk-treasurer.

Introduced and Filed on the 11<sup>th</sup> Day of November 2013. Consideration on same day or at same meeting of introduction was not considered, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 25<sup>th</sup> Day of November 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Bernie Zemen, Town Council President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer

2. **Introduced Appropriation Enactment No. 2013-50:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Innkeeper Tax Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5. *Councilor Herak introduced and filed the*

*enactment at the Town Council meeting of Monday, November 11, 2013. There was no further action.*

Councilor Herak moved the passage and adoption of Enactment No. 2013-50. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The enactment was adopted.

**Town of Highland  
Appropriation Enactment  
Enactment No. 2013-50**

**AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for INNKEEPER TAX FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.**

**WHEREAS**, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Innkeeper Tax Fund**;

**WHEREAS**, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Innkeeper Tax Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

**INNKEEPER TAX FUND**

Acct. No. 4XX.XX Holiday Visitors Decorations:	\$17,739.00
Total 400 Series:	\$17,739.00

**Fund Total: \$ 17,739.00**

**Section 2.** That the Town Council hereby further finds and determines that holiday decorations in the downtown business area involve the following activities which comprise economic development projects pursuant to IC 36-7-22-3:

- (A) Planning or managing development or improvement activities.
- (B) Designing, landscaping, beautifying, constructing, or maintaining public areas or public ways (including designing, constructing, or maintaining lighting for a public area or public way).
- (C) Promoting commercial activity or public events.
- (D) Providing security for public areas.
- (E) Acquiring, constructing or maintaining parking facilities;

**Section 3.** That the Town Council still further finds that the activities and purchases supported by this contribution are such that this contribution may be made from and are fully consistent with the purposes of the Innkeeper Tax Fund;

**Section 4.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 5.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 11<sup>th</sup> Day of November 2013. Consideration on the same day or at same meeting of introduction was not considered pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 25<sup>th</sup> Day of November 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

**Bernie Zemen, President (IC 36-5-2-10)**

**ATTEST:**

**Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO**



Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Proposed Ordinance No. 1547:** An Ordinance Amending Chapter 11.05 of the Highland Municipal Code Regarding the Department of Parks and Recreation, particularly Modifying the Number of Park and Recreation Board Members.

*This item was removed from consideration under general consideration.*

4. **Works Board Order No. 2013-58:** An Order of the Works Board Offering, Authorizing and Approving an Extension to the Contract between the Town of Highland and Walsh & Kelly, Incorporated for Materials and Services – Asphalt Work through December 31, 2014, all Pursuant to Indiana Code 5-22 et Seq. and Chapter 3.05 of the Highland Purchasing Code.

Councilor Vassar moved the passage and adoption of Works Board Order No. 2013-58. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

TOWN of HIGHLAND  
BOARD OF WORKS  
ORDER of WORKS BOARD NO. 2013-58

**AN ORDER of the WORKS BOARD OFFERING, AUTHORIZING and APPROVING AN EXTENSION to the CONTRACT BETWEEN THE TOWN OF HIGHLAND AND WALSH & KELLY, INCORPORATED for MATERIALS and SERVICES – ASPHALT WORK through DECEMBER 31, 2014, ALL PURSUANT TO INDIANA CODE 5-22 ET SEQ. and CHAPTER 3.05 of the HIGHLAND PURCHASING CODE**

**Whereas,** The Town of Highland did receive bids on March 12, 2012 for Road Materials and Services, which included asphaltting work and associated services, pursuant to IC 5-22 et seq. and on April 23, 2012, the Town Council for the Town of Highland accepted and awarded a bid for several items of asphalt work and associated services to Walsh & Kelly, Incorporated, as the lowest responsible and responsive bid; and

**Whereas,** Walsh & Kelly, Incorporated has expressed interest, through a letter dated November 7, 2013, attached hereto, to extend the current contract for an additional year at the same terms and conditions for Road Materials and Services, Concrete Work;

**Whereas,** Walsh & Kelly, Incorporated has demonstrated professional competence and qualifications to perform the particular concrete work for the Town of Highland and it has been determined that extending the current contract will realize a cost and time savings for mutual benefit of the both parties; and

**Whereas,** The Town Council for the Town of Highland, pursuant to IC 5-22-17-4, now wishes to offer a contract extension to Walsh & Kelly, Incorporated, through December 31, 2014, for Road Materials and Services – Asphalt Work, under the original terms, conditions and prices as the original contract (1-year).

**Now Therefore Be it Ordered** by the Town Council of the Town of Highland, Lake County, Indiana,

**Section 1.** That the Director of Public Works is hereby ordered to offer contract a extension to Walsh & Kelly, Inc. for Road Materials and Services – Asphalt Work under the same terms, conditions, and prices for the period January 1, 2014 through December 31, 2014;

**Section 2.** That, if accepted, the Director of Public Works be authorized to execute the Contract Extension with his signature as attested thereto by the Clerk Treasurer.

**Be it So Ordered**

**DULY, PASSED, ADOPTED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 25<sup>th</sup> day of November, 2013 having passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

5. **Grant Reimbursement Appropriation Enactment No. 2013-51:** An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to I.C. 6-1.1-18-7.5, I.C. 36-5-3-5 et seq.

Councilor Herak introduced and moved the consideration of Enactment No. 2013-51 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2013-51 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment was adopted at the same meeting of its introduction.

**Town of Highland**  
**APPROPRIATION ENACTMENT**  
**ENACTMENT NO. 2013-51**

**An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to I.C. 6-1.1-18-7.5, I.C. 36-5-3-5 et seq.**

**WHEREAS**, IC 6-1.1-18-7.5 provides that notwithstanding any other law, the appropriating body of a political subdivision may appropriate any funds received as a grant from the state or the federal government without using the additional appropriation procedures under IC 6-1.1-18-5, if the funds are provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

**WHEREAS**, The Town Council has been informed of the receipt of funds from a grant of the **Federal High Intensity Drug Traffic Area Domestic Highway Enforcement Task Force**, particularly represented on Clerk-Treasurer's receipt number 133844 in the total amount of **\$573.06**, receipt number 138361 in the total amount of **\$875.68**, and receipt number 142745 in the total amount of **\$368.96** with an additional mileage allowance in the amount of **\$540.14** as reimbursement in support of overtime costs for detailed personnel and certain equipment maintenance;

**WHEREAS**, The Town Council has been further informed that these funds were provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the actual overtime personnel expenses of said municipality related to the Domestic Highway Enforcement Initiative (DHE) funded by **Federal High Intensity Drug Traffic Area** to reimburse the municipality for its actual over time expenses incurred by the assigned person, or for equipment maintenance, the following additional sums of money, received as a grant from the state or the federal government and designated as a reimbursement of an expenditure made by the political subdivision, are hereby appropriated and ordered set apart out of the funds herein named:

CORPORATION GENERAL FUND

**Metropolitan Police Department**

Increase Account: #111.30 Sworn Overtime	\$ 1,817.70
Total 100 Series Increases	\$ 1,817.70

Increase Account: #360.01 Equipment Maintenance	\$ 540.14
Total 300 Series Increases	\$ 540.14

<b>Total of All Fund Increases:</b>	<b>\$ 2,357.84</b>
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**Section 2.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 et seq.

Introduced and Filed on the 25<sup>th</sup> day of November 2013. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ENACTED AND ADOPTED this 25<sup>th</sup> Day of November 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA  
Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Resolution No. 2013-52:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The *Motor Vehicle Highway (MVH) Fund* As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2013-52. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2013-52

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the *Motor Vehicle Highway (MVH) Fund* as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the *Motor Vehicle Highway Fund*;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the *Motor Vehicle Highway Fund*, which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

MOTOR VEHICLE HIGHWAY FUND

Reduce Account:	
#340.03 Fleet Insurance	\$6,968.08
Total 300 Series Decreases	\$6,968.08

Increase Account:	
#210.01 Gasoline and Oil:	\$6,968.08
Total 300 Series Increases	\$6,968.08

Total of All Fund Decreases:	\$6,968.08
Total of All Fund Increases:	\$6,968.08

DULY RESOLVED and ADOPTED this 25<sup>th</sup> Day of November 2013 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

7. **Works Board Order No. 2013-59:** An Order Of The Works Board Authorizing And Approving An Agreement With Johnny On The Spot To Provide Non-Hazardous Waste Services For The Highland Independence Day Festivals For 2014 And 2015 With An Option For 2016.

Councilor Herak moved the passage and adoption of Works Board Order No. 2013-59. Councilor Vassar seconded. *Amendment.* Councilor Herak moved to amend the Works Board Order to reduce the approval to be limited to only 2014 rather than the years 2014, 2015 and 2016 as enrolled. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The amendment was adopted.

Considering the Works Board Order as amended, upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The works board order was amended, was adopted.

TOWN OF HIGHLAND  
Board of Works  
ORDER OF THE WORKS BOARD 2013-59

AN ORDER OF THE WORKS BOARD AUTHORIZING AND APPROVING AN AGREEMENT WITH JOHNNY ON THE SPOT TO PROVIDE NON-HAZARDOUS WASTE SERVICES FOR THE HIGHLAND INDEPENDENCE DAY FESTIVALS FOR 2014 ~~AND 2015 WITH AN OPTION FOR 2016.~~

**Whereas,** The Town of Highland, Community Events Commission, as part of its public duties, has responsibility for the planning of special events in the Town of Highland, particularly the annual festival honoring Independence Day, conducted at Main Square Park; and

**Whereas,** Johnny on the Spot, has provided a proposal to provide non-hazardous waste collection services including providing portable lavatories; and

**Whereas,** The Clerk-Treasurer, pursuant to Section 3.05.050(D)(9) of the HMC, serves as the Purchasing Agent for any department or office for which an agent is not otherwise expressly provided, and for all executive departments of the municipality, which would include the Community Events Commission; and

**Whereas,** The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1) of the HMC serves as purchasing agency for the Community Events Commission; and

**Whereas,** The service agreement exceeds one year in duration and, pursuant to Section 3.05.040 (C) as well as Section 3.05.040(B)(1)(b) of the HMC, requires the express approval of the purchasing agency; and

**Whereas,** The purchase will be supported by the Special Events Non Reverting fund and there is sufficient appropriation in order to support the work; and

**Whereas,** The Town Council now desires to authorize the Clerk-Treasurer to execute the agreement pursuant to the terms stated herein,

**Now Therefore Be it Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That the proposed non hazardous waste and portable lavatory agreement from Johnny on the Spot, attached hereto and made a part of this Order, is approved in each and every respect, pursuant to the terms contained therein, ~~including a term of two years, 2014 and 2015 for only one year,~~ for the Year 2014 only;

**Section 2.** That the proposed non hazardous waste and portable lavatory agreement from Johnny on the Spot, attached hereto and made a part of this Order, is further approved for an optional year of 2016 if the Community Events Commission so elects and the Clerk-Treasurer then signs a letter to evidence the option approval;

**Section 3.** That the Works Board for the Town of Highland believes that Johnny on the Spot has demonstrated professional competence and qualifications to perform the particular professional services called for in the proposal and associated project;

**Section 4.** That the terms and charges under the agreement in the amount of One thousand, nine hundred-eighty Dollars and 00/100 cents (\$1,980.00) for the services provided in 2014, ~~in the amount of Two thousand, thirty nine Dollars and 40/100 cents (\$2,039.40) for services in 2015 representing a 3% increase over the prior year; and in the amount of Two thousand, one hundred dollars and 59/100 cents in the year 2016, representing a three percent increase over the prior year, if the Community Events Commission so elects, are~~ is found to be reasonable and fair;

**Section 5.** That the Clerk-Treasurer is hereby authorized to issue a purchase order to Johnny on the Spot and to execute all documents necessary to implement the agreement;

**Section 6.** That the Municipal Fiscal Officer is hereby authorized to expend Special Event Non-Reverting funds in order to support the services approved by this order.

**Be it So Ordered.**

**DULY, PASSED AND ADOPTED** by the Board of Works of the Town of Highland, Lake County, Indiana this 25<sup>th</sup> day of November 2013 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

*Attest:*

Michael W. Griffin, IAMC/MMC/CPFA/CPFA/CPFIM  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

8. **Resolution No. 2013-53:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The *Parks and Recreation Special Operating (General) Fund* As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Vassar moved the passage and adoption of Resolution No. 2013-53. Councilor Kuiper seconded. Upon roll call vote, there are four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2013-53**

**AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the Parks and Recreation Special Operating (General) Fund as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.**

**WHEREAS,** It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Parks and Recreation Special Operating (General) Fund;**

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Parks and Recreation Special Operating (General) Fund**, which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

**PARKS and RECREATION SPECIAL OPERATING (GENERAL) FUND**

Reduce Account:	
#220.06 Lincoln Center Repair Supplies	\$1,000.00
#230.03 Miscellaneous Materials	<u>\$4,000.00</u>
Total 100 Series Decreases	\$5,000.00

Increase Account:	
#111.31 Laborers Wages:	<u>\$5,000.00</u>
Total 100 Series Increases	\$5,000.00

<b>Total of All Fund Decreases:</b>	<b>\$5,000.00</b>
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Total of All Fund Increases:

\$5,000.00

DULY RESOLVED and ADOPTED this 25<sup>th</sup> Day of November 2013 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**9. Action to reschedule the start time of the preliminary study session and the plenary business meeting of the Town Council on December 23, 2013 to 5:30 p.m. and 6:00 p.m.**

Councilor Vassar moved that the standing plenary business meeting of the Town Council of Monday, December 23, 2013 be rescheduled to begin at 6:00 p.m. with a brief study session at 5:30 p.m. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being required to reschedule pursuant to Section 2.05.130 (D), there were four affirmatives and no negatives. The motion passed. The meeting was rescheduled.

**Comments from the Town Council Members**

(For the Good of the Order)

- **Councilor Mark Herak:** *Park and Recreation Board Liaison • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Park and Recreation Board.*

Councilor Herak recognized the Parks and Recreation Superintendent who reminded all of the Pumpkin Plod on Thanksgiving, noting that there were 800 runner enrolled presently.

Councilor Herak recognized the Public Works Director who offered a brief survey of public works projects.

- **Councilor Dan Vassar:** *•Redevelopment Commission Liaison.*

Councilor Vassar recognized the Redevelopment Director who offered an overview of on-going activities with the Facade Improvement Grant Program. She also reported the engagement of BOA Associates, a local architectural firm that will evaluate the Town Theater.

Councilor Vassar also recognized the IT Director who offered a brief report on information technology.

With leave from the Town Council, Councilor Vassar read the following remarks regarding his Dad, Larry Vassar, recently deceased. The Town Council by general consensus approved the inclusion of the remarks:

On behalf of my family I would like to thank all of those individuals and families who have reached out to us to express their condolences on the passing of my father, Larry Vassar. I want you to know that the outpouring of kind gestures and comforting words mean the world to me and the rest of my family. My Dad was a special person, a real firecracker and my personal hero.

My parents got married at age 19 not because they had to but because they wanted to. They lived in a garage with no toilet or bath when they were first married. They spent their

honeymoon day in Chicago, had their picture taken together in one of those old photo booths and returned home that same day to their garage quarters to begin the first of their almost 58 years together. In 1962, my parents moved, along with my siblings to Highland, and began a partnership of community service and fellowship in the town that they loved so much.

At the end of his days, my father, a person who began his adult life living in a garage with his new bride had over 3,000 people attend his wake at St. James Church and speak to the many ways he impacted or left an impression on their lives.

I will continue to tell my parents amazing story to as many people who will listen to me. At the end of the day, it's not about how much money you make, what your title is or where you live or what you drive. Your life is truly about what you do with your time here, how you treat and serve others, the choices you make, the people you love and how you serve the Lord.

Thanks Dad for showing me the way.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison* • *Town Board of Metropolitan Police Commissioners Liaison* • *Chamber of Commerce Liaison*

Councilor Kuiper had no special comments or report.

- **Council President Bernie Zemen:** *Chamber of Commerce Liaison* • *Liaison to the Board of Waterworks Directors* • *Municipal Executive* • *Chairman of the Board of Trustees of the Police Pension Fund (1925 Law).*

Council President Zemen offered condolences to the Courtright family whose patriarch recently was deceased. The Town Council President also noted the Town Holiday Party on December 14, 2013, at the Lincoln Community Center.

#### **Comments from Visitors or Residents:**

1. Michelle Stang, 9413 Wildwood, Highland expressed concern about the motel being proposed for development at the site of the former Shaver Pontiac Dealership on 45<sup>th</sup> Avenue, Highland. She urged the Town Council to act to stop it.

With leave from the Town Council, the Town Attorney explained the provisions of the zoning ordinance and the legal limitations upon the Town Council to act to change the current circumstance.

Ms. Stang urged the Council to reconsider the initial plan proposed by the developer, which was multi-unit apartments with the twice the number of units.

2. Bob Franchetti, 2212 Terrace Drive, Highland, expressed his opposition to the development. He further, expressed skepticism at the construction of a hotel at the former Shaver Pontiac dealership, on 45<sup>th</sup> Avenue.
3. Tom Black, 3515 Garfield, Highland, inquired whether the motel would be Section 8 and if so if it could be restricted.
4. Frank Postulka, 9913 Southmoor Avenue, Highland, urged that if the hotel could not be stopped, that the Town Council compel higher end materials in the construction such as brick and that stipulations be enforced on length of stay.

A colloquy ensued between the Building Commissioner and Mr. Postulka regarding the proposed building materials for the site.

5. Ms. Stang renewed her opposition to the development.
6. Mr. Franchette renewed his opposition to the development.

**Payment of Accounts Payable Vouchers and Approval of Payroll Dockets.** There being no further comments from the public, Councilor Kuiper moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period November 12, 2013 through November 25, 2013 as well as the accounts payable payroll dockets for the paydays of September 20, October 4, October 18 and November 1, 2013. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors as well as the payroll dockets were allowed and the Clerk-Treasurer was authorized to make payment.

**Vendors Accounts Payable Docket:**

**General Fund, \$233,447.58; Motor Vehicle Highway and Street (MVH) Fund, \$14,745.13 Local Road and Streets Fund, \$5,062.15; Law Enforcement Continuing Education, Training and Supply Fund, \$676.05; Information and Communications Technology Fund, \$6,017.57; Special Events Non-reverting Fund, \$169.24; Police Pension Trust Fund, \$718.68; Cumulative Capital Improvement Fund, \$5,127.50; Municipal Cumulative Capital Development Fund, \$41,225.37; General Improvement Fund, \$24.00; Traffic Violations and Law Enforcement Agency Fund, \$11,467.50; Safe Neighborhoods Grant Fund, \$25,741.33; Gaming Revenue Sharing Fund, \$34,731.25; Total: \$379,153.35.**

**Payroll Docket for payday of September 20, 2013:**

**Council, Boards and Commissions, \$10,624.00; Office of Clerk-Treasurer, \$12,788.25; Building and Inspection Department, \$7,591.03; Metropolitan Police Department, \$119,546.02; Fire Department, \$3,124.08; Public Works Department (Agency), \$56,496.18; and 1925 Police Pension Plan Pension Fund, \$62,299.41 Total Payroll: \$272,468.97.**

**Payroll Docket for payday of October 4, 2013:**

**Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$12,742.02; Building and Inspection Department, \$7,285.50; Metropolitan Police Department, \$93,403.08; Fire Department, \$2,837.34; Public Works Department (Agency), \$60,002.38; and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$176,270.32.**

**Payroll Docket for payday of October 18, 2013:**

**Council, Boards and Commissions, \$8,439.00; Office of Clerk-Treasurer, \$18,897.72; Building and Inspection Department, \$7,159.22; Metropolitan Police Department, \$103,444.81; Fire Department, \$27,803.33; Public Works Department (Agency), \$56,396.17; and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$176,270.32.**

**Payroll Docket for payday of November 1, 2013:**

**Council, Boards and Commissions, 0.00; Office of Clerk-Treasurer, \$15,511.25; Building and Inspection Department, \$6,653.58; Metropolitan Police Department, \$92,929.57; Fire Department, \$2,840.14; Public Works Department (Agency), \$55,831.70; and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$173,766.24.**

**Adjournment.** Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, November 25, 2013 was adjourned at 8:08 O'clock p.m.



*Study Session.* The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session immediately following the regular meeting on Monday, November 25, 2013 at 7:36 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer